

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nathan Elder on December 15, 2010.

The application has been amended as follows:

[[1.]]1-10. (Canceled)

11. (Currently Amended) A method for using a computer system, operating on a communications network comprising one or more central nodes communicably coupled to a plurality of user nodes corresponding to one or both of buyers and sellers, to facilitate a transaction between a seller and at least one buyer, the method performed by a computer system at a central node comprising:

hosting an electronic marketplace having an operably coupled transaction processor for processing transactions between buyers and sellers;

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and

that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

~~if the received data record is successfully authenticated:~~

upon successfully authenticating the received data record:

(i) outputting the binding offer to sell to a plurality of potential buyers;

(ii) receiving acceptance of said binding offer to sell said item from ~~at least one a~~ first buyer, said first buyer tendering acceptance by providing payment information, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

~~(iv)-(v)~~ processing the purchase transaction using the first buyer's provided payment information and the transaction processor operably coupled to the electronic marketplace; and

~~(v)~~ (vi) unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer.

12-13. (Canceled)

14. (Previously Presented) The method of claim 11 wherein the received payment information comprises information identifying an account maintained by or on behalf of an entity operating the computer system.

15. (Previously Presented) The method of claim 11 wherein the received payment information identifies a credit card account.

16. (Previously Presented) The method of claim 11 further comprising:
notifying the seller of the acceptance of the binding offer to sell the item.

17. (Currently Amended) The method of claim 16 further comprising:
withholding payment from the seller until delivery to the first buyer is assured.

18. (Previously Presented) The method of claim 16 further comprising:
processing the payment information to collect funds for the item;
deducting a predetermined commission for sale of the item; and
transferring a remainder of the funds to the seller as payment for the item.

19. (Currently Amended) The method of claim 16 further comprising:
processing the payment information to collect funds in payment for the item;
depositing the funds into an escrow account; and
withholding payment of the funds in the escrow account to the seller until delivery
to the first buyer is assured.

20. (Previously Presented) The method of claim 11 further comprising:
requiring performance by the seller of terms and conditions associated with the
binding offer to sell before providing payment to the seller.

21-80. (Canceled)

81. (Currently Amended) A method for using a computer system, operating on a
communications network comprising one or more central nodes communicably coupled
to a plurality of user nodes corresponding to one or both of buyers and sellers, to
facilitate a transaction between a seller and at least one buyer, the method performed
by a computer system at a central node comprising:

hosting an electronic marketplace having an operably coupled transaction
processor for processing transactions between buyers and sellers;

operating the electronic marketplace under a legal framework that imposes
requirements on sellers of items, the legal framework including requirements that an

item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

~~if the received data record is successfully authenticated:~~

upon successfully authenticating the received data record:

(i) presenting to a plurality of potential buyers the seller's binding offer to sell the item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from ~~at least one a~~ first buyer a binding acceptance of the binding offer, the received binding acceptance including payment information sufficient to authorize payment of the offer price to a third-party, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;[.]

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

~~(iv)~~-(v) processing the purchase transaction using the received payment information and the transaction processor operably coupled to the electronic marketplace; and

~~(v)~~-(vi) unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer.

82. (Canceled)

83. (Previously Presented) The method of claim 81 wherein the payment information sufficient to enable payment to the third-party comprises at least an account identifier, the possession of which provides authorization to debit the identified account by a predetermined amount.

84. (Previously Presented) The method of claim 81 further comprising using the received payment information to enable a transaction fee to be paid to the third-party.

85. (Previously Presented) The method of claim 84 wherein the transaction fee is independent of the binding offer price.

86. (Previously Presented) The method of claim 84 wherein the transaction fee is related to the binding offer price.

87. (Previously Presented) The method of claim 86 wherein the transaction fee is a percentage of the binding offer price.

88. (Previously Presented) The method of claim 81 wherein the third-party is an entity by whom, or on whose behalf, the computer system at the central node is operated.

89. (Previously Presented) The method of claim 81 wherein the third-party is independent of the seller.

90. (Currently Amended) The method of claim 81 further comprising receiving, by the third party, payment from the first buyer using the received payment information.

91. (Previously Presented) The method of claim 90 further comprising providing payment from the third-party to the seller.

92. (Previously Presented) The method of claim 81 further comprising charging the seller a transaction fee.

93. (Currently Amended) The method of claim 81 further comprising keeping the first buyer's received payment information confidential from the seller.

94. (Currently Amended) The method of claim 81 further comprising selectively allowing the first buyer to take delivery of the item or to post the item for re-sale.

95. (Currently Amended) The method of claim 94 wherein, if the first buyer elects to post the item for re-sale, the third-party maintains possession of the item pending the re-sale.

96. (Previously Presented) The method of claim 94 wherein posting the item for re-sale comprises offering the item for auction.

97. (Previously Presented) The method of claim 94 wherein posting the item for re-sale comprises making another binding offer to sell the item.

98. (Currently Amended) The method of claim 81 further comprising allowing the first buyer to post the item for re-sale or auction without taking delivery of the item.

99. (Currently Amended) The method of claim 98 further comprising receiving from the first buyer a new offer price or a reserve price.

100. (Previously Presented) The method of claim 98 further comprising posting the item for re-sale or auction.

101-102. (Canceled)

103. (Previously Presented) The method of claim 81 further comprising, prior to presenting the binding offer to the plurality of potential buyers, receiving from the seller an identifier associated with the item for sale.

104. (Previously Presented) The method of claim 103 further comprising using the received identifier as an index into a database to retrieve a data record descriptive of the item.

105. (Previously Presented) The method of claim 104 wherein the data record was previously created based on a prior transaction.

106. (Previously Presented) The method of claim 103 wherein the database was developed in a first instance by an entity independent of the third-party.

107. (Previously Presented) The method of claim 103 wherein the database is maintained by the third-party based on transactions facilitated by the computer system.

108. (Currently Amended) A method for using a computer system, operating on a communications network comprising one or more central nodes communicably coupled to a plurality of user nodes corresponding to one or both of buyers and sellers, to

facilitate a transaction between a seller and at least one buyer, the method performed by a computer system at a central node comprising:

hosting an electronic marketplace having an operably coupled transaction processor for processing transactions between buyers and sellers;

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

~~if the received data record is successfully authenticated:~~

upon successfully authenticating the received data record:

(i) presenting to a plurality of potential buyers the seller's binding offer to sell the item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from ~~at least one a first~~ buyer a binding acceptance of the binding offer, the received binding acceptance including payment information sufficient to

authorize payment of the offer price to a third-party, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

~~(iv)-(v)~~ processing the purchase transaction using the transaction processor operably coupled to the electronic marketplace, said processing including receiving payment for the item from the first buyer by the third-party and making payment for the item from the third-party to the seller while maintaining the first buyer's payment information in confidence from the seller; and

~~(v)-(vi)~~ unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer.

109. (Previously Presented) The method of claim 108 wherein the third-party comprises a trusted intermediary.

110. (Currently Amended) The method of claim 108 wherein the third-party is independent of the first buyer and of the seller.

111. (Previously Presented) The method of claim 108 further comprising charging by the third-party a transaction fee for handling the sale of the item.

112. (Previously Presented) The method of claim 111 wherein the transaction fee is charged to the seller.

113. (Previously Presented) The method of claim 111 wherein the transaction fee is independent of the offer price.

114. (Previously Presented) The method of claim 111 wherein the transaction fee is related to the offer price.

115. (Previously Presented) The method of claim 114 wherein the transaction fee is a percentage of the sales price.

116. (Currently Amended) The method of claim 108 further comprising allowing the first buyer to post the item for re-sale or auction without taking delivery of the item.

117. (Canceled)

118. (Currently Amended) A method for using a computer system, operating on a communications network comprising one or more central nodes communicably coupled to a plurality of user nodes corresponding to one or both of buyers and sellers, to facilitate a transaction between a seller and at least one buyer, the method performed by a computer system at a central node comprising:

hosting an electronic marketplace having an operably coupled transaction processor for processing transactions between buyers and sellers;

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

~~if the received data record is successfully authenticated;~~

upon successfully authenticating the received data record;

(i) presenting to a plurality of potential buyers the seller's binding offer to sell an item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from ~~at least one a~~ first buyer a binding acceptance of the binding offer, the received binding acceptance including payment information sufficient to authorize payment of the offer price to a third-party, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

~~(iv)-(v)~~ processing the purchase transaction using the transaction processor operably coupled to the electronic marketplace

~~(v)-(vi)~~ unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer; and

~~(vi)-(vii)~~ allowing the first buyer to post the item for re-sale or auction without taking delivery of the item.

119. (Currently Amended) A method for using a computer system, operating on a communications network comprising one or more central nodes communicably coupled to a plurality of user nodes corresponding to one or both of buyers and sellers, to facilitate a transaction between a seller and at least one buyer, the method performed by a computer system at a central node comprising:

hosting an electronic marketplace having an operably coupled transaction processor for processing transactions between buyers and sellers;

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

~~if the received data record is successfully authenticated;~~

upon successfully authenticating the received data record;

(i) presenting to a plurality of potential buyers the seller's binding offer to sell the item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from ~~at least one a first~~ first buyer a binding counteroffer for the item, the binding counteroffer including at least a binding counteroffer price for the item, the received binding counteroffer including payment information sufficient to authorize payment of the counteroffer price;

(iii) receiving from the seller an indication of acceptance or non-acceptance of the first buyer's counteroffer, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer; and

(iv) if ~~upon~~ the seller ~~accepts~~ accepting the first buyer's counteroffer, ~~then~~ temporarily locking the data record corresponding to the item[.];

(v) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

(vi) processing the purchase transaction at the counteroffer price using the transaction processor operably coupled to the electronic marketplace, unlocking the data record corresponding to the item, and updating the data record to indicate ownership by the first buyer.

120. (Previously Presented) The method of claim 119 wherein the binding counteroffer is subject to an expiration date.

121. (Currently Amended) The method of claim 120 wherein the first buyer specifies the expiration date.

122. (Currently Amended) The method of claim 119 wherein the first buyer's counteroffer is received by a third-party that notifies the seller of the counteroffer's existence.

123. (Previously Presented) The method of claim 119 wherein the seller may elect to accept or reject the binding counteroffer.

124. (Currently Amended) The method of claim 119 wherein the computer system at the central node is operated by or on behalf of a third-party that is independent of the seller and the first buyer.

125. (Previously Presented) The method of claim 124 wherein the third-party comprises a trusted intermediary.

126. (Currently Amended) The method of claim 124 wherein the third-party maintains the first buyer's payment information in confidence from the seller.

127. (Canceled)

128. (Currently Amended) The method of claim 119 wherein payment of the counteroffer price is made directly from the first buyer to the seller.

129. (Currently Amended) The method of claim 119 wherein payment of the counteroffer price is made indirectly from the first buyer to the seller through a third-party.

130. (Previously Presented) The method of claim 11 further comprising policing the electronic marketplace to selectively revoke access to the electronic marketplace by misbehaving users.

131. (Previously Presented) The method of claim 130 further comprising revoking access to the electronic marketplace by a seller that has failed to comply with one or

more requirements of the legal framework under which the electronic marketplace is operated.

132. (Previously Presented) The method of claim 130 further comprising revoking access to the electronic marketplace by an accepting buyer that has failed to provide payment information sufficient to facilitate payment for purchase of the item.

133. (Previously Presented) The method of claim 81 further comprising policing the electronic marketplace to selectively revoke access to the electronic marketplace by misbehaving users.

134. (Previously Presented) The method of claim 133 further comprising revoking access to the electronic marketplace by a seller that has failed to comply with one or more requirements of the legal framework under which the electronic marketplace is operated.

135. (Previously Presented) The method of claim 133 further comprising revoking access to the electronic marketplace by an accepting buyer that has failed to provide payment information sufficient to facilitate payment for purchase of the item.

136. (Previously Presented) The method of claim 108 further comprising policing the electronic marketplace to selectively revoke access to the electronic marketplace by misbehaving users.

137. (Previously Presented) The method of claim 136 further comprising revoking access to the electronic marketplace by a seller that has failed to comply with one or more requirements of the legal framework under which the electronic marketplace is operated.

138. (Previously Presented) The method of claim 136 further comprising revoking access to the electronic marketplace by an accepting buyer that has failed to provide payment information sufficient to facilitate payment for purchase of the item.

139. (Previously Presented) The method of claim 118 further comprising policing the electronic marketplace to selectively revoke access to the electronic marketplace by misbehaving users.

140. (Previously Presented) The method of claim 139 further comprising revoking access to the electronic marketplace by a seller that has failed to comply with one or more requirements of the legal framework under which the electronic marketplace is operated.

141. (Previously Presented) The method of claim 139 further comprising revoking access to the electronic marketplace by an accepting buyer that has failed to provide payment information sufficient to facilitate payment for purchase of the item.

142. (Previously Presented) The method of claim 119 further comprising policing the electronic marketplace to selectively revoke access to the electronic marketplace by misbehaving users.

143. (Previously Presented) The method of claim 142 further comprising revoking access to the electronic marketplace by a seller that has failed to comply with one or more requirements of the legal framework under which the electronic marketplace is operated.

144. (Previously Presented) The method of claim 142 further comprising revoking access to the electronic marketplace by an accepting buyer that has failed to provide payment information sufficient to facilitate payment for purchase of the item.

Allowable Subject Matter

2. Claims 11, 14-20, 81, 83-100, 103-116, 118-126 and 128-144 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The prior art most closely resembling Applicant's claimed invention are as follows:

Chelliah et al. (Pat. No. 5,710,887)

Ginter et al. (Pat. No. 6,185,683)

Nahan et al. (Pat. No. 5,664,111)

Shavit et al. (Pat. No. 4,799,156)

Chelliah et al. (Pat. No. 5,710,887) teaches a computer system and method for facilitating electronic commerce between a plurality of customers and at least one supplier of items over a computer driven network capable of providing communications between the supplier and at least one customer site associated with each customer. At least one supplier is presented on the display for selection by the customer using the input device. Similarly items from a supplier can be displayed for the customer to observe. Associated with a supplier of such items is an item database including information on presented items. Pricing subsystem receives information from the item database to determine the cost associated with a presented item. In addition a customer information database stores information relating to the customer. Associated with each

customer is a customer monitoring object for each customer. The customer monitoring object is created by referencing information, relating to that customer, which had been stored in the customer information database and when the customer selects a supplier. The customer monitoring object is configured to operate by responding to customer enquiries regarding a presented item by retrieving information relating to the item and presenting the information to the customer; receiving a customer's selection of a presented item; receiving customer communications, indicating a desire to receive the item; and passing a communication to initiate the delivery of the item to the customer.

Ginter et al. (Pat. No. 6,185,683) teaches trusted and secure techniques, systems and methods for item delivery and execution. Ginter teaches that documents and other items can be delivered electronically from sender to recipient with a level of trustedness approaching or exceeding that provided by a personal document courier. A trusted electronic go-between can validate, witness and/or archive transactions while, in some cases, actively participating in or directing the transaction. Printed or imaged documents can be marked using handwritten signature images, seal images, electronic fingerprinting, watermarking, and/or steganography. Electronic commercial transactions and transmissions take place in a reliable, "trusted" virtual distribution environment that provides significant efficiency and cost savings benefits to users in addition to providing an extremely high degree of confidence and trustedness. The systems and techniques have many uses including but not limited to secure document delivery, execution of legal documents, and electronic data interchange (EDI).

Nahan et al. (Pat. No. 5,664,111) teaches a system and method of electronically executing transactions with a preprogrammed main computer having data and image storage and retrieval equipment. A plurality of electronic images of works of art which are for sale are created by at least one listing dealer and stored on the storage equipment associated with the main computer. Data is input about each stored image and input data is associated with each corresponding stored image. A plurality of preprogrammed intelligent terminals each having data storage and retrieval equipment, at least one display screen and at least one input device, located at at least one listing dealer location and at at least one buying dealer location communicate with the main computer. Search criteria are input through the intelligent terminals for selecting at least one of the stored electronic images for review. Selected images and corresponding data are communicated to the intelligent terminals and at least a portion of the selected electronic images are displayed. A reservation on at least one of the displayed electronic images can be made to prevent the completion of a sale transaction involving the artwork corresponding to the selected reserved electronic image. An indication of the reserve status of the work is displayed in conjunction with the display of the reserved work on any of the intelligent terminals. A buy order can be input on the intelligent terminals to transact a purchase of the artwork corresponding to the electronic image subject to the buy order. Instructions to complete the purchase are automatically generated and communicated to the intelligent terminals corresponding to the appropriate listing dealer and the appropriate buying dealer.

Shavit et al. (Pat. No. 4,799,156) teaches a system for interactive on-line electronic communications and processing of business transactions between a plurality of different types of independent users including at least a plurality of sellers, and a plurality of buyers, as well as financial institutions, and freight service providers. Each user can communicate with the system from remote terminals adapted to access communication links and the system may include remote terminals adapted for storage of a remote data base. The system includes a data base which contains user information. The data base is accessed via a validation procedure to permit business transactions in an interactive on-line mode between users during interactive business transaction sessions wherein one party to the transaction is specifically selected by the other party. The system permits concurrent interactive business transaction sessions between different users.

However, none of the prior art teaches, discloses or suggests the following:

Claim 11:

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

upon successfully authenticating the received data record:

(i) outputting the binding offer to sell to a plurality of potential buyers;

(ii) receiving acceptance of said binding offer to sell said item from a first buyer, said first buyer tendering acceptance by providing payment information, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

(v) processing the purchase transaction using the first buyer's provided payment information and the transaction processor operably coupled to the electronic marketplace; and

(vi) unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer.

Claim 81:

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

upon successfully authenticating the received data record:

(i) presenting to a plurality of potential buyers the seller's binding offer to sell the item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from a first buyer a binding acceptance of the binding offer, the received binding acceptance including payment information sufficient to authorize payment of the offer price to a third-party, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

(v) processing the purchase transaction using the received payment information and the transaction processor operably coupled to the electronic marketplace; and

(vi) unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer.

Claim 108:

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

upon successfully authenticating the received data record:

(i) presenting to a plurality of potential buyers the seller's binding offer to sell the item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from a first buyer a binding acceptance of the binding offer, the received binding acceptance including payment information sufficient to authorize payment of the offer price to a third-party, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

(v) processing the purchase transaction using the transaction processor operably coupled to the electronic marketplace, said processing including receiving payment for the item from the first buyer by the third-party and making payment for the item from the third-party to the seller while maintaining the first buyer's payment information in confidence from the seller; and

(vi) unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer.

Claim 118:

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and

that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

upon successfully authenticating the received data record:

(i) presenting to a plurality of potential buyers the seller's binding offer to sell an item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from a first buyer a binding acceptance of the binding offer, the received binding acceptance including payment information sufficient to authorize payment of the offer price to a third-party, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer;

(iii) temporarily locking the data record corresponding to the item;

(iv) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

(v) processing the purchase transaction using the transaction processor operably coupled to the electronic marketplace

(vi) unlocking and updating the data record corresponding to the item to indicate ownership of the item by the first buyer; and

(vii) allowing the first buyer to post the item for re-sale or auction without taking delivery of the item.

Claim 119:

operating the electronic marketplace under a legal framework that imposes requirements on sellers of items, the legal framework including requirements that an item posted for sale is available for physical and legal ownership transfer to a buyer and that the seller is legally required to convey physical and legal ownership of the item if the buyer meets one or more seller-specified conditions of sale including a sale price;

receiving information from a seller corresponding to an item to be sold, the received information including a data record corresponding to the item to be sold, the data record including a description of the item to be sold, a sale price for the item, and a header including seller-specific identification information, the received data record representing a binding offer by the seller to sell the item;

verifying authenticity of the received data record based at least in part on the received seller-specific identification information;

upon successfully authenticating the received data record:

(i) presenting to a plurality of potential buyers the seller's binding offer to sell the item, the presented binding offer to sell including at least a binding offer price;

(ii) receiving from a first buyer a binding counteroffer for the item, the binding counteroffer including at least a binding counteroffer price for the item, the received binding counteroffer including payment information sufficient to authorize payment of the counteroffer price;

(iii) receiving from the seller an indication of acceptance or non-acceptance of the first buyer's counteroffer, said acceptance giving rise to a legal obligation by the seller to convey physical and legal ownership to said first buyer; and

(iv) upon the seller accepting the first buyer's counteroffer, temporarily locking the data record corresponding to the item;

(v) rejecting another acceptance of the binding offer by a second buyer while processing acceptance from, and payment by, the first buyer;

(vi) processing the purchase transaction at the counteroffer price using the transaction processor operably coupled to the electronic marketplace, unlocking the data record corresponding to the item, and updating the data record to indicate ownership by the first buyer.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

GREGORY JOHNSON
Examiner, Art Unit 3691
